

AO 241 (Rev. 5/85)

PETITION UNDER 28 USC § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court		District
Name	Prisoner No.	Case No.
Place of Confinement		
ALFRED E. DIXON		208-D 1671 DAD HC
Name of Petitioner (include name under which convicted)		T. FELKER, Warden MBSO
		Name of Respondent (authorized person having custody of petitioner)

v.

Edmund G. Brown Jr.
The Attorney General of the State of:

PETITION

- Name and location of court which entered the judgment of conviction under attack Contra Costa County Superior Court, Martinez, CA. 94553
- Date of judgment of conviction October 18, 2005
- Length of sentence 17 years
- Nature of offense involved (all counts) 1 count P.C. 288(a) enhanced by one-STRIKE, P.C. 667 subd (a)(1), subds (b)(1)/1170.12, 662.5 subd. (b).
- What was your plea? (Check one)
 - (a) Not guilty ☒
 - (b) Guilty ☐
 - (c) Nolo contendere ☐

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

- If you pleaded not guilty, what kind of trial did you have? (Check one)
 - (a) Jury ☒
 - (b) Judge only ☐
- Did you testify at the trial?
Yes ☐ No ☒
- Did you appeal from the judgment of conviction?
Yes ☒ No ☐

FILED

JUL 21 2008

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

9. If you did appeal, answer the following:

- (a) Name of court 1st Appellate District Court, Division 3
- (b) Result Affirmed
- (c) Date of result and citation, if known _____
- (d) Grounds raised _____

(e) If you sought further review of the decision on appeal by a higher state court, please answer the following:

- (1) Name of court California Supreme Court
- (2) Result review Denied
- (3) Date of result and citation, if known June 20, 2007
- (4) Grounds raised same as here

(f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

- (1) Name of court N/A
- (2) Result _____
- (3) Date of result and citation, if known _____
- (4) Grounds raised _____

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes ☐ No ☒

11. If your answer to 10 was "yes," give the following information:

- (a) (1) Name of court _____
- (2) Nature of proceeding _____
- (3) Grounds raised _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☒

(5) Result _____

(6) Date of result _____

(b) As to any second petition, application or motion give the same information:

(1) Name of court N/A

(2) Nature of proceeding _____

(3) Grounds raised _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☒

(5) Result _____

(6) Date of result _____

(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes ☐ No ☒

(2) Second petition, Yes ☐ No ☒

(d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, you should raise in this petition all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: The State Court's use of Evidence Code (EC) § 1108,
To present incriminating evidence against Petitioner, and then
Supporting FACTS (state briefly without citing cases or law) also use it to block his def-
ense to this 1996 charge, conjoined with the jury's
Instruction with CALJIC 2.50.01, denied to Petitioner his
Fundamental Constitutional Right to present a meaningful
defense to both the crime charged and the uncharged crime
by: 1) denying him his right to confront his accuser; and 2)
To present a meaningful defense to the crime.

B. Ground two: _____

Supporting FACTS (state briefly without citing cases or law): _____

C. Ground three: _____

Supporting FACTS (state *briefly* without citing cases or law): _____

D. Ground four: _____

Supporting FACTS (state *briefly* without citing cases or law): _____

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state *briefly* what grounds were not so presented, and give your reasons for not presenting them: _____

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?

Yes ☐ No ☒

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing _____

(b) At arraignment and plea _____

(c) At trial _____

(d) At sentencing _____

(e) On appeal John Ward, 584 Castro St, #802, San Francisco, CA 94114(f) In any post-conviction proceeding N/A

(g) On appeal from any adverse ruling in a post-conviction proceeding _____

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes ☐ No ☒

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☐ No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future: _____

(b) Give date and length of the above sentence: _____

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☐ No ☒

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed

X 6 '29 '208
(date)Harold E. Dixon Sr.
Signature of Petitioner

JOHN WARD

Attorney at Law

584 Castro Street #802
San Francisco, California 94114
415 • 255 • 4996
johnward@tiscali.it

June 27, 2007

Mr. Alfred Dixon, F-11362
San Quentin State Prison
San Quentin, California 94964
LEGAL MAIL

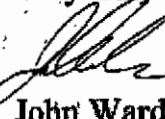
Dear Mr. Dixon:

Unfortunately, the California Supreme Court denied review in your case on June 20, 2007. You now have two options to seek further review:

1. A petition for certiorari to the Supreme Court of the United States. The deadline for that petition to be received by the court is September 15, 2007. For further information write: Clerk, U.S. Supreme Court, 1 First Street, N.E., Washington, D.C. 20043.
2. A petition for habeas corpus in the U.S. District Court, Northern District of California. The deadline for that petition to be received is September 14, 2008. For further information, write: Clerk, U.S. District Court, 450 Golden Gate Avenue, San Francisco, California 94102.

This concludes my representation of you, and I sincerely wish you luck. I am enclosing your transcripts and a copy of the Supreme Court's Order.

Very truly yours,



John Ward

Court of Appeal, First Appellate District, Div. 3 - No. A113185
S152398

IN THE SUPREME COURT OF CALIFORNIA

~~En Banc~~

THE PEOPLE, Plaintiff and Respondent,

v.

ALFRED E. DIXON, Defendant and Appellant.

The petition for review is denied.

SUPREME COURT
FILED

JUN 20 2007

Frederick K. Chirich Clerk

DEPUTY

GEORGE

Chief Justice

PROOF OF SERVICE BY MAIL
[C.C.P. 1013, 2015.; 28 U.S.C. 1746]

STATE OF CALIFORNIA)

)

SS:

County of Lassen)

)

I, (A) *Dee*, am a resident of the High Desert State Prison at Susanville, County of Lassen, California, am at least 18 years of age. My mailing address is P.O. Box 3030, Susanville, CA 96127.

On (B) _____, 20____, I served a true and correct copy of the following document(s):

(C) _____

_____ on each party listed below by placing it in an envelope, with adequate postage or provided, and by depositing said envelope in a box for the United States Mail at HDSP, P.O. Box 3030, Susanville, CA 96127.

Each party to the action has been duly served.

This copy is being mailed to (D):

I have mailed additional copies to (D):

N/A

There is regular delivery service by the United States Mail between the above place a mailing and the parties' listed.

I declare, under penalty of perjury, that the foregoing is true and correct.

Dated (E): _____ 20____, at Susanville, California.

Signed: _____

CDC I.D. # *F67490*

HDSP MAILROOM ACKNOWLEDEMENT OF MAILING

DATE: _____

SIGNED: _____